HON'BLE THE ACTING CHIEF JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL No.1025 OF 2007
And
WRIT PETITION No.18800 of 2007

Date: 07-12-2007.

Between :

S.Mahaboob Sharif.

.....Appellant.

And

Jareena Banu & others.

.....Respondents.

HON'BLE THE ACTING CHIEF JUSTICE BILAL NAZKI
AND
HON'BLE SRI JUSTICE RAMESH RANGANATHAN

WRIT APPEAL No.1025 OF 2007
And
WRIT PETITION No.18800 of 2007

COMMON ORDER : (Per Hon'ble Sri Justice Bilal Nazki, ACJ)

Heard learned counsel for the parties.

Earlier, we had directed that the boy and the girl, who are petitioners in the writ petition, be present in person in this Court. Today they appeared. The boy i.e. writ petitioner No.2 contended that he was married to the girl, who is writ petitioner No.1 and therefore he wanted to take the custody of petitioner No.1. Originally, the writ petition had been filed for the purpose of quashing Crime No.137 of 2007 of II Town Police Station, Proddutur, Kadapa District, which was registered against writ petitioner No.2. Without passing order in that writ petition, an order came to be passed by the learned Single Judge on 27th of November 2007 directing that the girl shall be lodged in a Home run by the Women and Child Welfare Department. This order is challenged by the father of the

girl. Today, we examined the girl in the open Court, in which, she stated that she wants to go with her parents. Then the learned counsel for writ petitioner No.2 stated that the girl was under the pressure of her parents, therefore, she should be examined in-camera. We examined her in-camera and we also afforded an opportunity to writ petitioner No.2 to have a conversation with writ petitioner No.1. She accepted that she had voluntarily gone earlier with writ petitioner No.2 and had stayed with him for a period of three months, but she denied that any registered marriage had taken place between the two. She also stated that she had gone with writ petitioner No.2 with her own free will and he had not used any force, coercion or undue influence on her and had not kidnapped her.

Since the writ petitioner No.1 is a major and her date of birth according to school certificate is 26th June 1988, therefore, she is free to choose the place where she wants to live. Therefore, the order of the learned single Judge is set aside and the writ petitioner No.1 is at liberty to go anywhere she likes. Since the writ petitioner No.1 has made a statement that she was not kidnapped or was not taken away by writ petitioner No.2 by force or deceit, we feel no further orders are necessary to be passed in the writ petition. The investigating agency shall take into consideration the statement made by writ petitioner No.1 before this Court, while investigating the matter under

Crime No.137 of 2007 of II Town Police Station, Proddutur, Kadapa District.

Writ appeal and the writ petition are accordingly disposed of.

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BILAL NAZKI, ACJ

7th December 2007.

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RAMESH RANGANATHAN, J

ajr